

I am writing to oppose the threat to copyright fair-use that is being debated currently. As a scientist and an educator, it is absolutely essential that media fair use be unimpeded by legally mandated technological restrictions. We have already seen damaging consequences from DMCA, and mandating that devices be crippled with technology to prevent its users will harm our constitution and our nation. I offer you my own personal example of how the current trend has already gone too far:

I am a researcher in behavioral medicine. I am working on federally funded research into weight management tools delivered via internet. As part of this project, I made my own audio recordings of my own sounds, created and recorded by me personally. I am the sole copyright holder. I converted these files to MP3 for internet streaming. I then emailed them to my office to incorporate them into the project website.

When I attempted to open this file on a new machine, the Windows Media Player refused, saying that I was violating copyright. In fact, my constitutional rights to access my own property were taken from me. Fortunately, there was no legal mandate to prevent me from using other, competing technology to access my own intellectual property. What you are considering is an extension of what Microsoft had done, but would have stripped me of my legitimate recourse. We must not go down this road.

My example is not isolated. What you are proposing would, in some instances, result in state-mandated violation of personal property rights. Instead of holding individuals accountable for their own behavior, it holds the group accountable to an individual's behavior. Do not punish the innocent to prevent the guilty.

The entertainment industry is desperately trying to hold on to an obsolete business model. Because they cannot compete fairly in a changing world, they are asking you to change the rules in their favor. Don't do it. There are other business models by which they can sell their content to remain successful. Denying even one citizen their fair-use under copyright law is punishing the innocent. It HAS and WILL harm research and education, as we have already seen with the threats of suits under DMCA to people, schools, and organizations who lack the legal resources to defend against these suits on principle. Legitimate enterprises are harmed by the very threat of litigation.

Please, end this now. Let the free market do its work.